

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Mayumi KOTANI et al.

Application No.: 10/537,339

Filed: June 2, 2005

Attorney Docket No.: 8156/84352

Confirmation No.: Not Yet Assigned

Customer No.: 42798

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- (X) **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
 - () **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
 - () the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
 - or*
 - () the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
 - () **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
 - () **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- (X) Copies of the references listed on the enclosed Form SB/08 are enclosed herewith. Document citation nos. 1, 9 and 10 include an English abstract. Document citation nos. 8, 11-13 include a partial English translation.
- () A copy of the International Search Report is enclosed herewith.
- () A copy of the Supplementary European Search Report is enclosed herewith.
- () The references listed on the enclosed Form PTO/SB/08 were previously identified in the parent application(s) of the present application, and copies of the references were

furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- () The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- () The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- () The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- (X) **No fee** is owed by the applicant(s).
- () The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$180.00.
- ☐ Charge Deposit Account No. 06-1135, under Order No., in the amount of \$0.00. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

- ☒ Credit Account No. 06-1135.
- ☐ Refund

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: September 2, 2005

Ramon R Hoch

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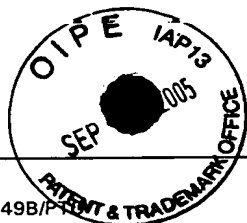


PTO/SB/08a Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number		10/537,339		
				Filing Date		June 2, 2005		
				First Named Inventor		Mayumi KOTANI		
				Art Unit		Not Yet Assigned		
				Examiner Name		Not Yet Assigned		
Sheet	1	of	2	Attorney Docket		8156/84352		
U.S. PATENT DOCUMENTS								
Examiner Initials*	Cite No.¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Number-Kind Code²						
		US-						
		US-						
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		T⁶
		Country Code³-Number⁴-Kind Code⁵						
	1.	JP 2000-198740 A		07-18-2000	Mitsui Chem Inc.	Partial Engl Trans		✓
Examiner Signature					Date Considered			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



PTO/SB/08b Substitute for Form 1449B/P			Application Number	10/537,339	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Filing Date	June 2, 2005	
			First Named Inventor	Mayumi KOTANI	
			Art Unit	Not Yet Assigned	
			Examiner Name	Not Yet Assigned	
Sheet	2	of	2	Attorney Docket	8156/84352
NON PATENT LITERATURE DOCUMENTS					
Examine r Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	2.	Gabriella GAZZANI, et al., "Anti-and Prooxidant Activity of Water Soluble Components of Some Common Diet Vegetables and the Effect of Thermal Treatment," J. Agric. Food Chem., 1998, Vol. 46, No. 10, pp. 4118-4122			
	3.	Yi-Fang CHU, et al., "Antioxidant and Antiproliferative Activities of Common Vegetables," J. Agric. Food Chem., 2002, Vol. 50, No. 23, pp. 6910-6916			
	4.	J. J. JAMORA, et al., "Storage Stability of Extruded Products from Blends of Meat and Nonmeat Ingredients: Evaluation Methods and Antioxidative Effects of Onion, Carrot, and Oat Ingredients," J. Food Science, 2002, Vol. 67, Nr. 5, pp. 1654-1659			
	5.	Achim BUB et al., "Moderate Intervention with Carotenoid-Rich Vegetable Products Reduces Lipid Peroxidation in Men," J. Nutrition, 2000, Vol. 130, No. 9, pp. 2200-2206			
	6.	Anne C. Kurilich et al., "Carotene, Tocopherol, and Ascorbate Contents in Subspecies of Brassica Oleracea," J. Agric Food Chem., 1999, Vol. 47, No. 4, pp. 1576-1581			
	7.	D. Mark HODGES, et al., "Improving the Thiobarbituric Acid-Reactive-Substances Assay for Estimating Lipid Peroxidation in Plant Tissues Containing Anthocyanin and Other Interfering Compounds," Planta, 1999, Vol. 207, No. 4, pp. 604-611			
	8.	Masaki TOKUDA et al., "Kajitsu, Yasai O Genryo to Shita Kako, Oita Nosuisanbutsu Kako Sogo Sido Center Shiken Seiseki Hokikusyo," 1997, Vol. 19996, pp. 5-8			
	9.	Sukie NISHIBORI et al., "Superoxide Anion Radical-Scavenging Ability of Fresh and Heated Vegetable Juices," Nippon Shokuhin Kagaku Kogaku Kaishi, 1998, Vol. 45, No. 2, pp. 144-148			
	10.	Huifeng REN et al., "Antioxidative and Antimicrobial Activities and Flavonoid Contents of Organically Cultivated Vegetables," Nippon Shokuhin Kagaku Kogaku Kaishi, 2001, Vol. 48, No. 4, pp. 246-252			
	11.	Tomoni AKUTSU et al., "Shokuhin Kaikibutsu O Mochiita Kinosei Shokuhin Sozai No Kaihatsu - Shokuhin Haikbutsuto Kara No Kinosei No Kensaku -, Shokuhin Kogyo Shidosho Kenkyu Hokoku," 2002, Vol. 16, pp. 4-9			
	12.	Tadashi KATO et al., "Increases of Various Vitamin Contents in Leaf Vegetables Treated by the Winter-Cool Air," Tohoku Agricultural Research, 1994, Vol., 47, pp. 317-318			
	13.	Yaeko IZAKI et al., "Ryokuoushoku Yasai Ni Okeru Chlorophyll Carotene Tocophenol Kanyuryo Narabini Sokan Ni Tsuite," Kyotofu Eisei Kenkyu Nenpo, 1986, No. 52, pp. 69-71			
Examiner Signature		Date Considered			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.